

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 227**  
FINAL READING

Introduced by Louden, 49; Aguilar, 35; Erdman, 47; Howard, 9;  
Smith, 48; Stuhr, 24

Read first time January 7, 2005

Committee: Rereferred to Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to veterans; to amend section 12-1301, Revised  
2 Statutes Supplement, 2004, section 37-420, Reissue  
3 Revised Statutes of Nebraska, as amended by section 6,  
4 Legislative Bill 54, Ninety-ninth Legislature, First  
5 Session, 2005, and section 6, Legislative Bill 162,  
6 Ninety-ninth Legislature, First Session, 2005, and  
7 section 37-421, Reissue Revised Statutes of Nebraska, as  
8 amended by section 7, Legislative Bill 162, Ninety-ninth  
9 Legislature, First Session, 2005; to change provisions  
10 relating to the funding of veteran cemeteries and veteran  
11 hunting and fishing permits; to provide operative dates;  
12 and to repeal the original sections.  
13 Be it enacted by the people of the State of Nebraska,

1               Section 1. Section 12-1301, Revised Statutes Supplement,  
2   2004, is amended to read:

3               12-1301. (1) The Director of Veterans' Affairs may  
4   establish and operate a state veteran cemetery system consisting of  
5   a facility in Box Butte County, a facility in Sarpy County, and the  
6   Nebraska Veterans' Memorial Cemetery in Hall County. The director  
7   may seek and expend private, state, and federal funds for the  
8   establishment, construction, maintenance, administration, and  
9   operation of the cemetery system as provided in this section. Any  
10   gift, bequest, or devise of real property for the cemetery system  
11   shall be subject to the approval requirements of section 81-1108.33  
12   notwithstanding the value of the real property. All funds received  
13   for the construction of the cemetery system shall be remitted to  
14   the ~~state treasurer~~ State Treasurer for credit to the Veteran  
15   Cemetery Construction Fund. No revenue from the General Fund shall  
16   be remitted to the Veteran Cemetery Construction Fund for use in  
17   the construction of the state veteran cemetery system. Any funds  
18   remaining in the Veteran Cemetery Construction Fund following the  
19   completion of construction of the three facilities comprising the  
20   state veteran cemetery system shall upon such completion be  
21   transferred to the Nebraska Veteran Cemetery System Endowment Fund,  
22   and the Veteran Cemetery Construction Fund shall thereafter  
23   terminate.

24              (2)(a) A trust fund to be known as the Nebraska Veteran  
25   Cemetery System Endowment Fund is hereby created. The fund shall  
26   consist of:

27              (i) Gifts, bequests, grants, or contributions from  
28   private or public sources designated for the maintenance,

1 administration, or operation of the state veteran cemetery system;

2 (ii) Any funds transferred from the Veteran Cemetery  
3 Construction Fund following the completion of construction of the  
4 three facilities comprising the state veteran cemetery system; and

5 (iii) Following the termination of the Veteran Cemetery  
6 Construction Fund, any funds received by the state from any source  
7 for the state veteran cemetery system.

8 (b) No revenue from the General Fund shall be remitted to  
9 the Nebraska Veteran Cemetery System Endowment Fund. The  
10 Legislature shall not appropriate or transfer money from the  
11 Nebraska Veteran Cemetery System Endowment Fund for any purpose  
12 other than as provided in this section. Any money in the Nebraska  
13 Veteran Cemetery System Endowment Fund available for investment  
14 shall be invested by the state investment officer pursuant to the  
15 Nebraska Capital Expansion Act and the Nebraska State Funds  
16 Investment Act. ~~Only the earnings of the Nebraska Veteran Cemetery~~  
17 ~~System Endowment Fund may be used as provided in subsection (3) of~~  
18 ~~this section.~~ No portion of the principal of the Nebraska Veteran  
19 Cemetery System Endowment Fund shall be expended for any purpose  
20 except investment pursuant to this subdivision. All investment  
21 earnings from the Nebraska Veteran Cemetery System Endowment Fund  
22 shall be credited on a quarterly basis to the Nebraska Veteran  
23 Cemetery System Operation Fund.

24 (3) There is hereby created the Nebraska Veteran Cemetery  
25 System Operation Fund. Money in the fund shall be used for the  
26 operation, administration, and maintenance of the state veteran  
27 cemetery system. Any money in the fund available for investment  
28 shall be invested by the state investment officer pursuant to the

1 Nebraska Capital Expansion Act and the Nebraska State Funds  
2 Investment Act. ~~No revenue from the General Fund shall be remitted~~  
3 ~~to the Nebraska Veteran Cemetery System Operation Fund.~~

4 (4) The director may make formal application to the  
5 federal government regarding federal financial assistance for the  
6 construction of any of the facilities comprising the state veteran  
7 cemetery system which is located in a county with a population of  
8 less than one hundred thousand persons when he or she determines  
9 that the requirements for such assistance have been met.

10 (5) The director may make formal application to the  
11 federal government regarding financial assistance for the  
12 construction of any facility comprising a portion of the state  
13 veteran cemetery system located in a county with a population of  
14 more than one hundred thousand persons when sufficient funds have  
15 been remitted to the Nebraska Veteran Cemetery System Endowment  
16 Fund such that (a) the projected annual earnings from such fund  
17 available for transfer to the Nebraska Veteran Cemetery System  
18 Operation Fund ~~in each of the next succeeding five years~~ plus (b)  
19 the projected annual value of formal agreements that have been  
20 entered into between the state and any political subdivisions or  
21 private entities to subsidize or undertake the operation,  
22 administration, or maintenance of any of the facilities within the  
23 state veteran cemetery system, has a value that is ~~equal to or~~  
24 ~~exceeds one hundred twenty-five percent of the projected annual~~  
25 ~~cost of~~ sufficient to fund the operation, administration, and  
26 maintenance of ~~the three facilities comprising the state veteran~~  
27 ~~cemetery system~~ in each of the succeeding five years any cemetery  
28 created pursuant to this subsection.

1           (6) The director may expend such funds as may be  
2 available for any of the purposes authorized in this section.

3           (7) The director, with the approval of the Governor, may  
4 enter into agreements for cemetery construction, administration,  
5 operation, or maintenance with qualified persons, political  
6 subdivisions, or business entities. The director shall provide  
7 lots in the cemetery system for the interment of deceased veterans  
8 with an honorable discharge or its equivalent and their spouses,  
9 minor children, and unmarried adult children who were physically or  
10 mentally disabled and incapable of self-support. Section 12-501  
11 does not apply to the state veteran cemetery system.

12           (8) The Veteran Cemetery Construction Fund is created.  
13 Any money in the fund available for investment shall be invested by  
14 the state investment officer pursuant to the Nebraska Capital  
15 Expansion Act and the Nebraska State Funds Investment Act. ~~Any~~  
16 ~~money in the Veteran Cemetery Maintenance Fund on July 16, 2004,~~  
17 ~~shall be transferred to the Veteran Cemetery Construction Fund.~~

18           (9) The Nebraska Veterans Cemetery Advisory Board is  
19 created. The board shall consist of seven members. One member  
20 shall be the director who shall serve as the chairperson of the  
21 board. Three members of the board shall be veterans appointed by  
22 the Governor from a list of candidates forwarded by the county  
23 board of each county within which a state veteran cemetery system  
24 facility is located. Three members with experience in cemetery  
25 administration or operation, one from each congressional district,  
26 shall be appointed by the Governor. The members of the board shall  
27 receive no compensation but shall be reimbursed for their actual  
28 and necessary expenses in the discharge of their duties as provided

1 in sections 81-1174 to 81-1177. The board shall meet from time to  
2 time as requested by the director to review the status of the state  
3 veteran cemetery system, to recommend actions to facilitate the  
4 development of the system, to assist in fundraising from public or  
5 private sources for the construction, operation, administration,  
6 and maintenance of the system, and to advise the director on the  
7 most appropriate actions for the state to undertake in the  
8 development of the system and the priorities for action.

9 (10) The director may adopt and promulgate rules and  
10 regulations to carry out this section. The rules and regulations  
11 shall include requirements for proof of residency, cost of burial  
12 if any, and standards for cemeteries, including decorations and  
13 headstones.

14 Sec. 2. Section 37-420, Reissue Revised Statutes of  
15 Nebraska, as amended by section 6, Legislative Bill 54,  
16 Ninety-ninth Legislature, First Session, 2005, and section 6,  
17 Legislative Bill 162, Ninety-ninth Legislature, First Session,  
18 2005, is amended to read:

19 37-420. (1) Any veteran ~~of any war as defined in section~~  
20 ~~80-401.01~~ who is a legal resident of the State of Nebraska and who  
21 was discharged or separated with a characterization of honorable or  
22 general (under honorable conditions) shall be exempt from the  
23 payment of any fees provided by the laws of the State of Nebraska  
24 and established by the commission pursuant to section 37-327 for  
25 the privilege of fishing or hunting in Nebraska if the veteran:

26 (a) Is rated by the United States Department of Veterans  
27 Affairs as fifty percent or more disabled as a result of service in  
28 the armed forces of the United States; or

1 (b) Is receiving a pension from the department as a  
2 result of total and permanent disability, which disability was not  
3 incurred in the line of duty in the military service.

4 (2) The exemption described in subsection (1) of this  
5 section shall not extend to the privilege of commercial fishing,  
6 trapping of fur-bearing animals, or hunting for deer, antelope,  
7 wild turkey, or any other species of fish and game on which the  
8 open season is limited to a restricted number of permits or to  
9 special permits for a restricted area or game management unit.

10 (3) If disabled persons are unable by reason of physical  
11 infirmities to hunt and fish in the normal manner, the commission  
12 may issue special permits without cost to those persons to hunt and  
13 fish from a vehicle, but such permits shall not authorize any  
14 person to shoot from any public highway.

15 (4) All permits issued without the payment of any fees  
16 pursuant to this section shall be perpetual and become void only  
17 upon termination of eligibility as provided in this section.

18 (5) The commission may adopt and promulgate rules and  
19 regulations necessary to carry out this section.

20 (6) Permits issued under subdivision (3) of this section  
21 as it existed prior to the operative date of this section shall not  
22 expire as provided in section 37-421.

23 Sec. 3. Section 37-421, Reissue Revised Statutes of  
24 Nebraska, as amended by section 7, Legislative Bill 162,  
25 Ninety-ninth Legislature, First Session, 2005, is amended to read:

26 37-421. (1) The commission may issue an annual  
27 combination fishing and hunting permit upon application and payment  
28 of a fee of five dollars to (a) any Nebraska resident ~~who is a~~

1 veteran of any war as defined in section ~~80-401.01~~, who is  
2 sixty-four years of age or older, and who was discharged or  
3 separated with a characterization of honorable or general (under  
4 honorable conditions) or (b) any Nebraska resident who is  
5 sixty-nine years of age or older. A person who is issued a permit  
6 under this section shall be exempt from the payment of any  
7 additional fees provided by the laws of the State of Nebraska and  
8 established by the commission pursuant to section 37-327 for the  
9 privilege of fishing or hunting in Nebraska, except that such  
10 exemption shall not extend to the privilege of commercial fishing,  
11 trapping of fur-bearing animals, or hunting for deer, antelope,  
12 wild turkey, or any other species of fish and game on which the  
13 open season is limited to a restricted number of permits or to  
14 special permits for a restricted area or game management unit.

15 (2) A permit issued as provided in this section shall  
16 expire as provided in section 37-405. Permits issued under this  
17 section as it existed before the operative date of this section  
18 shall not expire as provided in section 37-405.

19 (3) If disabled persons are unable by reason of physical  
20 infirmities to hunt and fish in the normal manner, the commission  
21 may issue special permits without cost to those persons to hunt and  
22 fish from a vehicle, but such permits shall not authorize any  
23 person to shoot from any public highway.

24 (4) The commission may adopt and promulgate rules and  
25 regulations necessary to carry out this section.

26 Sec. 4. Sections 2, 3, and 5 of this act become  
27 operative on January 1, 2006. The other sections of this act  
28 become operative on their effective date.



1           Sec. 5.     Original section 37-420, Reissue Revised  
2 Statutes of Nebraska, as amended by section 6, Legislative Bill 54,  
3 Ninety-ninth Legislature, First Session, 2005, and section 6,  
4 Legislative Bill 162, Ninety-ninth Legislature, First Session,  
5 2005, and section 37-421, Reissue Revised Statutes of Nebraska, as  
6 amended by section 7, Legislative Bill 162, Ninety-ninth  
7 Legislature, First Session, 2005, are repealed.

8           Sec. 6.     Original section 12-1301, Revised Statutes  
9 Supplement, 2004, is repealed.